



राजपत्र, हिमाचल प्रदेश
(असाधारण)

हिमाचल प्रदेश राज्यशामन द्वारा प्रकाशित

शिमला, शुक्रवार, 13 अगस्त, 1954

Law Department

NOTIFICATION

Simla-4, 2nd August, 1954

LR-1-23/54.—In pursuance of section 33A of the Government of Part C States Act, 1951, the Lieutenant Governor is pleased to order the publication of the following English translation of the Himachal Pradesh Krishi Kshetra Akatrikaran Adhiniyam (The Himachal Pradesh Consolidation of Holdings Act) 1954 as passed by the Himachal Pradesh Legislative Assembly, and assented to by the President on 19th April, 1954.

Act No. X of 1954

The Himachal Pradesh Consolidation of Holdings Act, 1954

AN
ACT

to provide for the consolidation of agricultural holdings in Himachal Pradesh.

WHEREAS it is expedient to provide for the consolidation of

agricultural holdings in Himachal Pradesh for the developmet of agriculture;

It is hereby enacted as follows :

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Himachal Pradesh Consolidation of Holdings Act, 1953.

(2) It extends to the whole of the Himachal Pradesh.

(3) This section shall come into force at once and the remainder of the Act shall come into force on such date as the State Government may, by notification in the gazette, appoint in this behalf and different dates may be appointed for different parts of the Himachal Pradesh.

2. Definition.—In this Act unless there is anything repugnant in the subject or context—

(1) 'Assistant Consolidation Officer' means an officer appointed by the State Government to perform the duties of the Assistant Consolidation Officer under this Act;

(2) 'consolidation' means the re-distribution of land in any area between the several tenure holders entitled thereto in such a way as would make the areas for the time being held as such more compact;

(3) 'Consolidation Officer' means an officer appointed by the State Government under section 35 to perform the duties of a Consolidation Officer under this Act;

(4) 'gazette' means the Himachal Pradesh gazette;

(5) 'land' means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes subservient to agriculture, or for pasture, and includes—

(a) the sites of buildings and other structures on such land;

(b) orchards;

(c) *ghasnies*;

(6) 'legal representative' has the meaning assigned to it in the Code of Civil Procedure, 1908;

- (7) 'prescribed' means prescribed by rules made under this Act;
- (8) 'Settlement Officer (Consolidation)' means an officer appointed by the State Government under section 35 to perform the duties of a Settlement Officer (Consolidation) under this Act and includes any person authorised by the State Government to perform all or any of the functions of the Settlement Officer (Consolidation) under this Act;
- (9) 'State Government' means the Government of Himachal Pradesh;
- (10) 'sub-division' means a part of an estate recorded as sub-division, *patti* or *taraf* in a record of rights as prepared under the Punjab Land Revenue Act, 1887 as applied to Himachal Pradesh provided it forms a compact block;
- (11) 'tenure holder' means a land-owner or a tenant of the land concerned;
- (12) words and expressions :—
 - (a) not defined in this Act but defined in the Punjab Land Revenue Act, 1887, as applied to Himachal Pradesh, or
 - (b) not defined in this Act or in the Punjab Land Revenue Act, 1887, as applied to Himachal Pradesh, but defined in the Punjab Tenancy Act, 1887, as applied to Himachal Pradesh,

shall have the meaning assigned to them in the Act in which they are so defined.

CHAPTER II

REVISION AND CORRECTION OF MAPS AND RECORDS AND CONSOLIDATION OF HOLDINGS

3. Declaration regarding consolidation.—(1) The State Government may declare that in the interests of the general public and for the purposes of better cultivation of land it has decided to make a scheme of consolidation for any estate or a group of estates or a sub-division of an estate.

(2) Every such declaration shall be published in the gazette and in the estate concerned in the prescribed manner.

4. Effect of declaration.—(1) On the publication of the declaration under section 3, an estate, group of estates or a sub-division of an estate, as the case may be, shall be deemed to be under consolidation operations from the date of such publication until the publication of the notification that the consolidation operations have been closed.

(2) Where an estate, group of estates or a sub-division of an estate is under consolidation operations, the duty of maintaining the maps, field-book and preparing the annual record under the Punjab Land Revenue Act, 1887, as applied to Himachal Pradesh, and the rules framed thereunder, shall stand transferred to the Settlement Officer (Consolidation), and there-upon all the powers conferred on the Collector, Assistant Collector and the Tahsildar under the said Act and rules shall, so long as an estate, group of estates or a sub-division of an estate remains under consolidation operations, be exercised respectively by the Settlement Officer (Consolidation), the Consolidation Officer and the Assistant Consolidation Officer.

5. Cancellation of declaration under section 3—(1) The State Government may at any time cancel the declaration made under section 3 in respect of the whole or any part of the area specified therein.

(2) Where a declaration has been cancelled in respect of any area under sub-section (1), such area shall, with effect from the date of cancellation, cease to be under consolidation operations.

6. Revision and Correction of Records.—(1) Where on an examination of the village map, field-book and the record of rights, the Consolidation Officer or the Assistant Consolidation Officer is of the opinion that a revision of maps or records is necessary before proceeding further with the preparation of provisional consolidation scheme, he shall recommend to the State Government accordingly.

(2) Where he is of the opinion that a revision of maps and records is not necessary, he shall proceed to carry out in the manner prescribed a field to field *partial* with the help of the village map and field book and shall correct the entries in the revenue records in accordance with the provisions of the Punjab Land Revenue Act, 1887, as applied to Himachal Pradesh and the rules framed thereunder.

7. Publication of correct records.—The records prepared or corrected under sub-section (2) of section 6 shall be published in the village in the prescribed manner and a copy shall be sent to the Collector.

8. Declaration regarding revision of records.—On receipt of the recommendations under sub-section(1) of section 6, the State Government shall publish a notification to that effect and thereupon a revised map and a field book and the record of rights shall be prepared for the village or villages concerned in accordance with the provisions of the Punjab Land Revenue Act, 1887, as applied to Himachal Pradesh and rules framed thereunder, as if a notification had been issued in respect thereof under the said Act and rules.

9. Preparation of statement of plots and tenure holders.—
(1) The Assistant Consolidation Officer, as soon as may be after the publication of the records under section 7 or preparation of records under section 8, prepare—

- (a) a list of all plots comprised in the holdings of each tenure holder, showing—
 - (i) the area of each plot;
 - (ii) the soil classes of the plots according to the last settlement;
 - (iii) the hereditary rent rates sanctioned for the soil classes at the last settlement or revision operations, whichever is the latest;
 - (iv) the rental value of the plot;
 - (v) the revenue or the rent, as the case may be, of the plot calculated in the manner prescribed;
 - (vi) such other particulars as may be prescribed;
- (b) a list of each tenure holder, showing—
 - (i) the total area held by the tenure-holder in all classes of tenures;
 - (ii) the revenue or the rent, as the case may be, for his share;
 - (iii) the rental value of the area held by the tenure holder; and
 - (iv) such other particulars as may be prescribed.

(2) The statement shall be published in the village in the prescribed manner.

10. Objection on the statement.— (1) Any person may within thirty days of the publication of the statement prepared under section 9 file before the Assistant Consolidation Officer an objection disputing the correctness or nature of an entry in the statement or pointing out any omission therefrom.

(2) The Assistant Consolidation Officer shall, after hearing the parties, if necessary, on the objections filed under sub-section (1) submit his report on those objections to the Consolidation Officer who shall except as provided in sub-section (4) dispose of the objections in the manner prescribed.

(3) The decision of the Consolidation Officer shall, except as otherwise provided by or under this Act, be final.

(4) Where the objection filed under sub-section (1) involves a question of title and such question has not already been determined by a competent court, the Consolidation Officer, shall refer the question for determination to the Arbitrator whose decision shall be final.

11. Consolidation Scheme—(1) The Consolidation Officer shall, after publication of the statement under sub-section (2) of section 9 and decision of objections, if any, under section 10 obtain in the prescribed manner the advice of the land-owners and tenants of the estate or estates concerned and thereafter prepare a scheme for the consolidation of holdings in such estate or estates or part thereof as the case may be.

(2) In preparation of the scheme under sub-section (1) the Consolidation Officer shall have regard to the following principles, namely -

- (1) the land in each village may be divided and grouped under the following blocks, namely—
 - (a) block of land producing rice only;
 - (b) block of land producing mainly *Ek-fasli* crops, other than rice;
 - (c) block of land which is mainly *Do-fasli*; and
 - (d) block of land subject to fluvial action of any river;

- (2) every tenure holder is, as far as may be, allotted land in the block in which he holds the largest part of the holding;
- (3) only those tenure holders shall get land in any particular block who already hold land therein;
- (4) the number of *chaks* to be allotted to each tenure holder excluding areas earmarked for *abadi* and shall not exceed the number of blocks unless there is only one block and the land is more or less of a uniform quality; and
- (5) such other principles as may be prescribed.

12. Scheme to provide for compensation.—(1) The scheme prepared by the Consolidation Officer shall provide for the payment of compensation to any person who is allotted a holding of a market value less than that of his original holding and for the recovery of compensation from any person who is allotted a holding of a market value greater than that of his original holding.

(2) The amount of compensation shall be assessed by the Consolidation Officer, so far as practicable, in accordance with the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894.

13. Amalgamation of public roads etc., within the scheme for consolidation of holdings.—(1) Whenever in preparing a scheme for the consolidation of holdings it appears to the Consolidation Officer that it is necessary to amalgamate any road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes with any holding in the scheme he shall make a declaration to that effect stating in such declaration that it is proposed that the rights of the public as well as of the individuals in or over the said road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes, shall be extinguished or, as the case may be, transferred to a new road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes laid down in the scheme of consolidation.

(2) The declaration in sub-section (1) shall be published in the estate concerned in the prescribed manner alongwith the draft scheme referred to in section 11.

(3) Any member of the public or any person having any interest or right, in addition to the right of public highway, in or over the said road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes or having any other interest or right which is likely to be adversely affected by the proposal may, within thirty days after the publication of the declaration under sub-section (1), state to the Consolidation Officer in writing his objection to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected and the amount and the particulars of his claim to compensation for such interest or right:

Provided that no claim for compensation on account of the extinction or diminution of the right of public highway over such road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes, shall be entertained.

(4) The Consolidation Officer shall, after considering the objections if any, made to the proposal, submit it with such amendments, if any, as he may consider necessary, to the Settlement Officer (Consolidation), together with the objections received, his recommendations thereon and a statement of the amount of compensation, if any, which in his opinion are payable, and of the persons by whom and the persons to whom such compensation is payable. The decision of the Settlement Officer (Consolidation), on the proposal and regarding the amount of compensation and the person by whom such compensation, if any, is payable, shall be final.

14. Land reserved for common purposes.—Notwithstanding anything contained in any law for the time being in force, it shall be lawful for the Consolidation Officer—

- (a) to direct that any land specifically assigned for any common purpose shall cease to be so assigned and to assign any other land in its place;
- (b) to direct that any land under the bed of a stream or torrent flowing within the State shall be assigned for any common purpose; and

- (c) if in any area under consolidation no land is reserved for any common purpose including extension of the village *abadi*, or if the land so reserved is inadequate, to assign other land for such purpose.

15. Publication of draft scheme.—(1) When the draft scheme of consolidation is ready for publication, the Consolidation Officer shall publish it in the prescribed manner in the estate or estates concerned. Any person likely to be affected by such scheme, or committee, appointed in accordance with the rules framed under the Act, shall, within thirty days of the date of such publication, communicate in writing to the Consolidation Officer objections, if any, relating to the scheme. The Consolidation Officer shall after considering the objections, if any, received, submit the scheme with such amendments as he considers to be necessary, together with his remarks on the objections, to the Settlement Officer (Consolidation).

(2) The Consolidation Officer shall also publish in the prescribed manner the scheme as amended by him.

16. Confirmation of Scheme.—(1) If no objections are received under sub-section (1) of section 15 or within thirty days of the publication of the amended draft scheme published under sub-section (2) of section 15, as the case may be, the Settlement Officer (Consolidation) shall confirm the scheme submitted by the Consolidation Officer.

(2) If any objections are received to the amended draft scheme, published under sub-section (2) of section 15, the Settlement Officer (Consolidation) shall, after taking objections into consideration, either confirm the scheme with or without modification or refuse to confirm it. In case of such refusal the Settlement Officer (Consolidation) shall return the draft scheme with such direction as may be necessary to the Consolidation Officer for reconsideration and re-submission.

(3) On the confirmation of the scheme under sub-section (1) or (2), the scheme as confirmed shall be published in the prescribed manner in the estate or estates concerned.

17. Repartition.—(1) The Consolidation Officer shall after Consultation with the land-owners and tenants of the estate or

estates concerned, carry out repartition in accordance with the scheme of consolidation of holdings confirmed under section 16, and the boundaries of the holdings as demarcated shall be shown on the *shajra* which shall be published in the prescribed manner in the estate or estates concerned.

(2) Any person aggrieved by the re-partition may file a written objection within thirty days of the publication before the Consolidation Officer who shall after hearing the objector pass such orders, as he considers necessary, confirming or modifying the re-partition.

(3) Any person aggrieved by the order of the Consolidation Officer under sub-section (2) may within one month of that order file an appeal before the Settlement Officer (Consolidation) who shall after hearing the appellant pass such orders as he considers proper.

(4) Any person aggrieved by the order of the Settlement Officer (Consolidation) under sub-section (3) may within sixty days of that order appeal to the State Government. The order of the State Government on such appeal and subject only to such order, the order of the Settlement Officer (Consolidation) under sub-section (3) or, if the order of the Consolidation Officer under sub-section (2) was not appealed against, such order of the Consolidation Officer, shall be final and shall not be liable to be called in question in any court.

18. Preparation of record of rights.—(1) The Consolidation Officer shall cause to be prepared a new record of rights in accordance with the provisions contained in Chapter IV of the Punjab Land Revenue Act, 1887, as applied to Himachal Pradesh, in so far as these provisions may be applicable, for the area under consolidation, giving effect to the repartition as finally sanctioned under the preceding section.

(2) Such record of rights shall be deemed to have been prepared under section 32 of the Punjab Land Revenue Act, 1887, as applied to Himachal Pradesh.

19. Right to possession of new holdings.—(1) If all the owners and tenants affected by the scheme of consolidation or, as

the case may be, re partition, as finally confirmed, agree to enter into possession of the holdings allotted to them thereunder, Consolidation Officer may allow them to enter into such possession forthwith or from such date as may be specified by him.

(2) If all the owners and tenants as aforesaid do not agree to enter into possession under sub-section (1) they shall be entitled to possession of the holdings and tenancies allotted to them from the commencement of the agricultural year next following the date of the publication of the scheme under sub-section (3) of section 16, or as the case may be, of the preparation of the new record of rights under sub-section (1) of section 18 and the Consolidation Officer shall, if necessary, put them in physical possession of the holding to which they are so entitled, and in doing so, may exercise the powers of a Revenue Officer under the Punjab Land Revenue Act, 1887, as applied to Himachal Pradesh:

Provided that if there are standing crops on the holding, physical possession of the holding shall be delivered after the aforesaid standing crops have been harvested.

(3) If any person from whom compensation is recoverable under the scheme fails within fifteen days of the commencement of the agricultural year referred to in sub-section (2) to deposit such compensation in the prescribed manner, it shall be recoverable from him as an arrear of land revenue, and in such case the amount realized after deducting the expenses shall be paid to any person having interest in the holding.

20. Coming into force of such scheme.—As soon as the persons entitled to possession of holdings under this Act have entered into possession of holdings respectively allotted to them, the scheme shall be deemed to have come into force.

21. Rights after consolidation.—With effect from the date on which a tenure holder, in pursuance of the provisions of section 19 enters into possession of the plots allotted to him, his rights, title and interest in his original holdings shall be extinguished and he shall have the same rights, title and interest subject to modification if any, specified in the final consolidation scheme in the plots allotted to him thereunder.

22. Encumbrances of landowners and tenants.—(1) If the holding of a landowner or the tenancy of a tenant brought under the scheme of consolidation is burdened with any lease, mortgage or other encumbrance, such lease, mortgage or other encumbrance shall be transferred and attached to the holding or tenancy allotted under the scheme or to such part of it as the Consolidation Officer subject to any rules that may be made under section 42, may have determined in preparing the scheme and thereupon the lessee, mortgagee or other encumbrancer, as the case may be, shall cease to have any right in or against the land from which the lease, mortgage or other encumbrance has been transferred.

(2) If the holding or tenancy to which a lease, mortgage, or other encumbrance is transferred under sub-section (1) is of less market value than the original holding from which it is transferred, the lessee, mortgagee or other encumbrancer, as the case may be, shall, subject to the provisions of section 29, be entitled to the payment of such compensation by the owner of the holding, or as the case may be, the tenant as the Consolidation Officer may determine.

(3) Notwithstanding anything contained in section 19, the Consolidation Officer shall, if necessary, put any lessee or any mortgagee or other encumbrancer entitled to possession, in possession of the holding or tenancy or part of the holding or tenancy to which his lease, mortgage or other encumbrance has been transferred under sub-section (1).

23. Transfer of rights of landowners in holdings and of tenants in tenancies.—Notwithstanding anything contained in the Punjab Land Revenue Act, 1887, as applied to Himachal Pradesh, and the Punjab Tenancy Act, 1887, as applied to Himachal Pradesh, the rights and liabilities of landowners in their holdings and of tenants in their tenancies shall, for the purpose of giving effect to any scheme of consolidation affecting them, be transferable by exchange or otherwise and neither the land-lord nor the tenant nor any other person shall be entitled to object to or interfere with any transfer made for the said purpose.

24. Costs.—(1) The Assistant Consolidation Officer shall, in the manner prescribed, assess the cost of consolidation and dis-

tribute such cost between the persons affected by the order of consolidation

25. Recovery of compensation or costs or other sums payable under this Act.—Compensation under section 12 or costs under section 24 or any other sums payable under this Act shall be recoverable as an arrear of land revenue.

26. Transfer of property during consolidation proceedings.—After a notification under section 3 has been published and during the pendency of the consolidation proceedings no landowner or tenant having a right of occupancy upon whom the scheme will be binding shall have power without the sanction of the Consolidation Officer to transfer or otherwise deal with any portion of his original holding or other tenancy so as to affect the rights of any other landowner or tenant having a right of occupancy therein under the scheme of consolidation.

27. Suspension of partition proceedings during currency of consolidation proceedings.—After notification under section 3 has been published, no proceedings under Chapter IX of the Punjab Land Revenue Act, 1887, as applied to Himachal Pradesh, in respect of any estate or a sub-division of an estate which will be affected by the scheme of consolidation shall be commenced, and such proceedings pending shall remain in abeyance during the pendency of the consolidation proceedings.

28. No instrument necessary to effect transfer.—Notwithstanding anything contained in any law for the time being in force—

(a) no instrument in writing shall be necessary in order to give effect to a transfer involved in carrying out any scheme of consolidation of holdings, and

(b) no instrument, if executed, shall require registration.

29. Apportionment of compensation or net value in case of dispute.—Where there is a dispute in respect of the apportionment of—

- (a) the amount of compensation determined under sub-section (2) of section 12 or under sub-section (4) of section 13;
- (b) the net value realized under sub-section (3) of section 19;
- (c) the total amount of compensation determined under sub-section (2) of section 22,

the Consolidation Officer shall refer the dispute to the decision of the Civil Court and deposit the amount of compensation or net value, as the case may be, in the Court and thereupon the provisions of sections 33, 53 and 54 of the Land Acquisition Act, 1894, shall, so far as may be, apply.

30. Power to vary or revoke scheme.—A scheme for the consolidation of holdings confirmed under this Act may at any time be varied or revoked by a subsequent scheme prepared, published and confirmed in accordance with this Act.

CHAPTER III

OTHER POWERS OF CONSOLIDATION OFFICERS

31. Powers of officers to enter upon land for purposes of survey and demarcation.—The Consolidation Officer and any person acting under his orders may, in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

32. Penalty for destruction, injury or removal of survey marks.—If any person wilfully destroys or injures or without lawful authority removes a survey mark lawfully erected he may be ordered by a Consolidation Officer to pay such compensation not exceeding rupees fifty for each mark so destroyed, injured or removed, as may, in the opinion of that officer be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gives information of the destruction, injury or removal.

33. Report of destruction, removal or injury to survey mark.— Every village Officer of an estate shall be legally bound to furnish a Consolidation Officer with information respecting the destruction or removal of, or any injury done, to any survey mark lawfully erected in the estate.

34. Powers to enforce attendance of witnesses in certain matters and application of Code of Civil Procedure.— (1) The Settlement Officer (Consolidation), Consolidation Officer and Assistant Consolidation Officer shall have all such powers and rights and privileges as are vested in a civil court on the occasion of any action in respect of the following matters —

- (a) the enforcing of the attendance of witnesses and examining them on oath, affirmation or otherwise and the issue of a commission or request to examine witnesses abroad;
- (b) compelling any one for the production of any document;
- (c) the punishing of persons guilty of contempt,

and a summons signed by such officer may be substituted for and shall be equivalent to any formal process capable of being issued in any action by a civil court for enforcing the attendance of witnesses and compelling the production of any document.

(2) Subject to any conditions or restrictions that may be prescribed, the Settlement Officer (Consolidation), Consolidation Officer or Assistant Consolidation Officer may, by written order, require any person to produce such documents, papers and registers or to furnish such information as the Settlement Officer (Consolidation), Consolidation Officer or Assistant Consolidation Officer as the case may be, may deem necessary for the proper exercise of his powers or the proper discharge of his duties under this Act.

(3) Every person required to produce any document, paper or register to furnish an information under this section shall be deemed legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

(4) A proceeding before a Settlement Officer (Consolidation), Consolidation Officer or the Assistant Consolidation Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code.

(5) Unless otherwise expressly provided by or under this Act, the provisions of the Code of Civil Procedure, 1908, shall apply to all proceedings including appeal and applications under this Act.

(6) The Assistant Consolidation Officer shall, for delivering possession to the person or persons to whom land has been allotted, have all the powers as regards contempt, resistance and the like as are exercisable by a Civil Court in execution of a decree for delivering possession of immovable property.

CHAPTER IV

MISCELLANEOUS

35. Officeres and authorities.—(1) The State Government may for the purposes of this Act appoint—

- (1) Director of Consolidation;
- (2) Settlement Officer (Consolidation);
- (3) Consolidation Officer;
- (4) Assistant Consolidation Officer; and
- (5) such other persons as it thinks proper.

(2) The Director of Consolidation shall perform such duties and exercise such powers of supervision and superintendence over the work of the Settlement Officer (Consolidation), Consolidation Officer and Assistant Consolidation Officer as may be prescribed.

(3) The Settlement Officer (Consolidation), the Consolidation Officer and the Assistant Consolidation Officer shall exercise the powers and perform the duties conferred or imposed upon them by or under this Act or the rules framed thereunder.

36 Delegation of powers — (1) The State Government may, by notification in the gazette delegate to any officer or authority

any of the powers conferred upon it by this Act to be exercised subject to such restrictions and conditions as may be specified in the notification.

(2) The Director of Consolidation, the Consolidation Officer or Settlement Officer (Consolidation) may, with the sanction of the State Government, delegate any of his powers or functions under this Act to any person in the service of the State Government.

37. Arbitrator.—(1) Where any matter is, by or under this Act, directed to be referred to an Arbitrator for determination, the Arbitrator shall be appointed by the State from amongst Civil Judicial Officers of not less than three years standing and in all other respects the matter shall be determined in accordance with the provisions of the Arbitration Act, 1940.

(2) The appointment of an Arbitrator under sub-section (1) may be made either generally or in respect of any particular case or class of cases or in respect of any specified area or areas.

38. Power of the State Government to call for proceedings.—The State Government may at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by any officer (other than an Arbitrator) under this Act call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as it thinks fit:

Provided that no order shall be varied or reversed without giving the parties interested notice to appear and opportunity to be heard.

39. Appeal and Revision.—No appeal and no application for review, reference or revision shall lie from any order passed under the provisions of this Act except as provided by or under this Act.

40. Jurisdiction of Civil Court barred as regards matters arising under this Act.—No person shall institute any suit or other proceedings in any civil court with respect to any matter arising out of the consolidation proceedings or with respect to any other matter in regard to which a suit or application can be filed under the provisions of this Act.

41. Public servants indemnified for acts done under this Act.—No suit or other legal proceedings shall lie in respect of the exercise of any powers or discretion conferred by this Act, or against any public servant or person duly appointed or authorised under this Act, in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

42. Rules.— (1) The State Government may make rules for the purposes of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the manner of publication under sub-section (2) of section 3, sub-sections (1) and (2) of section 15, sub-section (3) of section 16 and sub-section (1) of section 17;
- (b) the matters pertaining to the cancellation of the declaration regarding consolidation under section 5 and the consequences thereof;
- (c) the procedure and proceedings relating to the examination of revenue records under sub-section (1) of section 6;
- (d) the principle and procedure to be followed in the preparation of the scheme under section 11 and the classes of tenants whose holdings are to be consolidated and appointment of a committee in connection with the scheme;
- (e) the manner in which the area is to be reserved under section 14 in which it is to be dealt with and also in which the village *abadi* is to be given to proprietors and to non-proprietors on payment of compensation or otherwise;
- (f) the procedure for entering into possession;
- (g) the manner in which the compensation recoverable from any person under sub-section (3) of section 19 shall be deposited by him;

- (h) the guidance of the Consolidation Officer in respect of the transfer of a lease, mortgage or other encumbrance under section 22;
- (i) the manner in which the area and assessment (including water rate, if any) of each re-constituted holding and tenancy shall be determined;
- (j) appointment and the procedure for reference to the Arbitrator;
- (k) the matters relating to the mode of service of notice or the production of document under this Act;
- (l) the manner of publication of any declaration or notification in the village;
- (m) the procedure to be followed in proceedings including applications, filing and disposal of objections and appeals under this Act, in cases for which no specific provision has been made therein;
- (n) the duties of any officer, or authority having jurisdiction under this Act, and the procedure to be followed by such officer and authority;
- (o) the time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf has been made therein;
- (p) the application of the provisions of the Indian Limitation Act, 1908, to applications, appeals and proceedings under this Act;
- (q) the delegation of powers conferred by this Act on the State Government or any other authority, officer or person;
- (r) the transfer of proceedings from one authority or officer to another;
- (s) limits within which the area of a tenure-holder can be adjusted in allotment by compensation or otherwise;

- (t) the appointment of guardians *ad litem* for minors ;
- (u) generally for the guidance of the Consolidation Officer and other officers and persons in all proceedings under this Act ; and
- (v) any other matter which is to be or may be prescribed.

(3) Rules made under this section shall be subject to the conditions of previous publication.

CHET RAM,
Asistant Secretary (Judical).